

Application No.: 10/796,837
Amendments dated March 7, 2005
Response

REMARKS

By the paper mailed December 15, 2004, the Examiner objected to the drawings under 37 C.F.R. 1.83(a). The features objected to by the Examiner have been cancelled from the claims. The Examiner also requested corrected drawing sheets in compliance with 37 C.F.R. 1.121(d). New formal drawings are submitted herewith.

The Examiner also objected to the title of the invention. The title of the invention has been amended to make it more descriptive of the invention to which the claims remaining in the case are directed.

Claims 1, 3, 4 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Samuelsson. These claims have been cancelled.

Claims 1, 5 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Turpin. These claims have been cancelled.

Claims 1 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Kalthoff. These claims have been cancelled.

Claims 1 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Oehrman. Claims 1 and 4 have been cancelled.

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Response

Amendments to the Drawings

The attached 6 sheets of Formal Drawings following displaying 7 figures supplant or replace 6 sheets of informal drawings, each one labeled “Annotated Marked-up Drawings,” submitted with “Lifting and Transport Strap,” Serial Number 10/796,837; each one labeled “Replacement Sheet”. Herein the terms “informal” and “Formal” are used to refer to the “drawings”, “figures”, or “sheets” or sets of drawings and their constituent drawings. Each attached informal drawing, each labeled “Annotated Marked-up Drawings” is followed immediately afterward by the associated “Replacement Sheet”. Figure numbers used in the Formal Drawings are the same as the numbering used in the informal drawings.

Informal Figure 1 of Sheet 1 of 6 sheets of “Annotated Marked-up Drawings” of informal drawings **is replaced by** Formal Figure 1 of Sheet 1 of 6 of the “Replacement Sheet” of Formal drawings. Informal Figure 2 of Sheet 2 of 6 sheets **is replaced by** Formal Figure 2 of Sheet 2 of 6 of the Formal drawings. Informal Figure 3 of Sheet 3 of 6 sheets **is replaced by** Formal Figure 3 of Sheet 3 of 6 of the Formal drawings. Informal Figure 4 of Sheet 4 of 6 sheets **is replaced by** Formal Figure 4 of Sheet 4 of 6 of the

Amendments to the Drawings continued

Formal drawings. Informal Figure 5 of Sheet 5 of 6 sheets **is replaced by** Formal Figure 5 of Sheet 5 of 6 of the Formal drawings.

Informal Figures 6 and 7 of Sheet 6 of the 6th and last sheet of informal drawings **are replaced by** Formal Figures 6 and 7 of Sheet 6 of the 6th and last of the sheets of Formal drawings.

REMARKS continued

Claims 2, 5 and 7 through 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Samuelsson in view of Goldman. Claims 2 and 5 have been cancelled. Claims 7 through 12 have been amended and for reasons presently to be discussed, as amended, are believed in condition for allowance.

Claims 7 and 10 through 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin in view of Goldman. For reasons presently to be discussed, claims 7 and 10 through 12 as amended are believed clearly distinguishable from and patentable over the references of record.

Turning now to the references of record relied upon by the Examiner in rejecting claims 7 through 12, Samuelsson relates to an apparatus for vertically lifting and radially moving a person over a supporting surface. As correctly observed by the Examiner, Samuelsson does not show a generally semicircular-shaped and deformable rubber cushioning inner component nor does it show the generally semicircular-shaped plastic component. The Examiner relies upon Goldman as allegedly disclosing a generally semicircular-shaped and deformable cushioning inner component (200) and rubber foam attached to a strap (10). The Examiner takes the position that it would have been an obvious design choice to provide a generally

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semicircular-shaped and deformable cushioning inner component and a rubber foam on the strap of Samuelsson as taught by Goldman to provide comfort to the lifted person. Reconsideration of this position is respectfully requested.

By this amendment, claims 7 through 12 have been amended to specifically define a lifting and transport strap assembly for lifting and transporting a hot water heater having interconnected top, bottom, back and sidewalls. The claims as amended define an apparatus that has nothing whatsoever to do with lifting a person or providing comfort to the lifted person. Claim 7 as amended defines a main strap assembly for circumscribing at least a portion of the hot water heater. The main strap assembly is specifically defined as comprising the combination of a generally semicircular-shaped yieldably deformable main strap having spaced-apart extremities; a generally semicircular-shaped plastic component connected to the main strap and a generally semicircular-shaped yieldably deformable foam rubber inner component connected to the plastic component for gripping the sidewall of the hot water heater. It is respectfully suggested that neither Samuelsson nor Goldman disclose, or remotely suggest a main strap assembly comparable to that of applicant's

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invention as now specifically defined in the amended claims. As clearly shown in Figure 1 of the drawings, the main strap assembly comprises a main strap 18 which circumscribes a generally semicircular-shaped plastic component 20 which, in turn, circumscribes a foam rubber inner component 22. Samuelsson discloses a three component assembly, but rather only shows a harness strap 61 which circumscribes the back of the patient and a harness strap 62 which passes beneath the legs of the patient.

The patent to Goldman relied upon by the Examiner concerns a transfer belt that includes two elongated pads which minimize discomfort for the wearer by ensuring that forces applied on the belt are applied through a surface area that is much larger than that of the belt, and through a cushioning pad which is much softer than the belt. As was the case with Samuelsson, Goldman nowhere discloses or suggests the main strap assembly of applicant's invention as now specifically claimed, which comprises the combination of three separate and distinct, semicircular-shaped components, namely a yieldably deformable main strap, a generally semicircular-shaped plastic component connected to the main strap and a generally semicircular-shaped foam rubber inner component connected to the plastic component. This latter component is not designed to provide

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comfort to a patient, but rather functions to frictionally grip the sidewall of the hot water heater to prevent slippage during movement of the hot water heater. This component also protects the side of the hot water heater from damage.

It is respectfully suggested that because neither Samuelsson nor Goldman disclose or suggest a main strap assemblage of the character specifically claimed by Applicant, a combination of these references, as suggested by the Examiner, is totally unsupported. Not only do the patents sought to be combined relate to devices for accomplishing totally different purposes, the references simply do not disclose the assemblage specifically claimed by Applicant for lifting and transport of hot water heaters.

With regard to the patent to Turpin, which the Examiner seeks to combine with the patent to Goldman in his rejection of claims 7 and 10 through 12, this patent relates to an invalid lift and concerns a swinging seat and hoist arrangement that can be used to transfer an invalid patient from a wheelchair to a bathtub and back again. Once again, the Turpin disclosure is directed to a totally dissimilar apparatus for performing a totally dissimilar function from that defined in the amended claims. Additionally, the strap structure of Turpin is totally dissimilar from that of Applicant as now

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specifically claimed. More particularly, Turpin discloses a detachable seat 16 made up a series of side-by-side straps and a flexible back portion formed by a single canvas strip 27. As was the case with Samuelsson, Turpin nowhere suggests or discloses Applicant's main strap assembly as now specifically claimed for circumscribing at least a portion of the hot water heater to be lifted and transported by Applicant's apparatus.

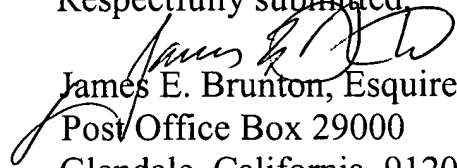
In addition to the foregoing differences between Applicant's invention and those relied upon by the Examiner in the rejection of claims 7 through 12, the references nowhere disclose or suggest Applicant's gripping means which comprise generally D-shaped gripping rings. New claim 13 which has been added also further defines the gripping means as including cylindrical-shaped handgrips connected to the generally D-shaped gripping rings. Such construction is nowhere suggested or described in the references of record. New claim 14, which has been added, also defines the circular-shaped yieldably deformable foam rubber, inner component of Applicant's main strap assembly as being about six inches in width so as to provide a substantial frictional engagement surface with the side of the hot water heater being lifted and transported.

REMARKS continued

In summary, it is believed that the claims remaining in the case as amended are clearly distinguishable from and patentable over the references of record relied upon by the Examiner.

The Application as amended is not believed to be in condition for allowance and such favorable action is respectfully requested.

Respectfully submitted,


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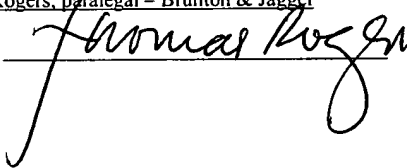
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Express Mail mailing label number

Date of Deposit; March 7, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents Post Office Box 1450, Alexandria, VA 22313-1450
Thomas Rogers, paralegal - Brunton & Jagger

Signature





Title: Appliance Lifting Belt
Dkt # 004-04
Inventor: I. E. Brunton
Sheet 1 of 6

ANNOTATED MARKED-UP DRAWINGS

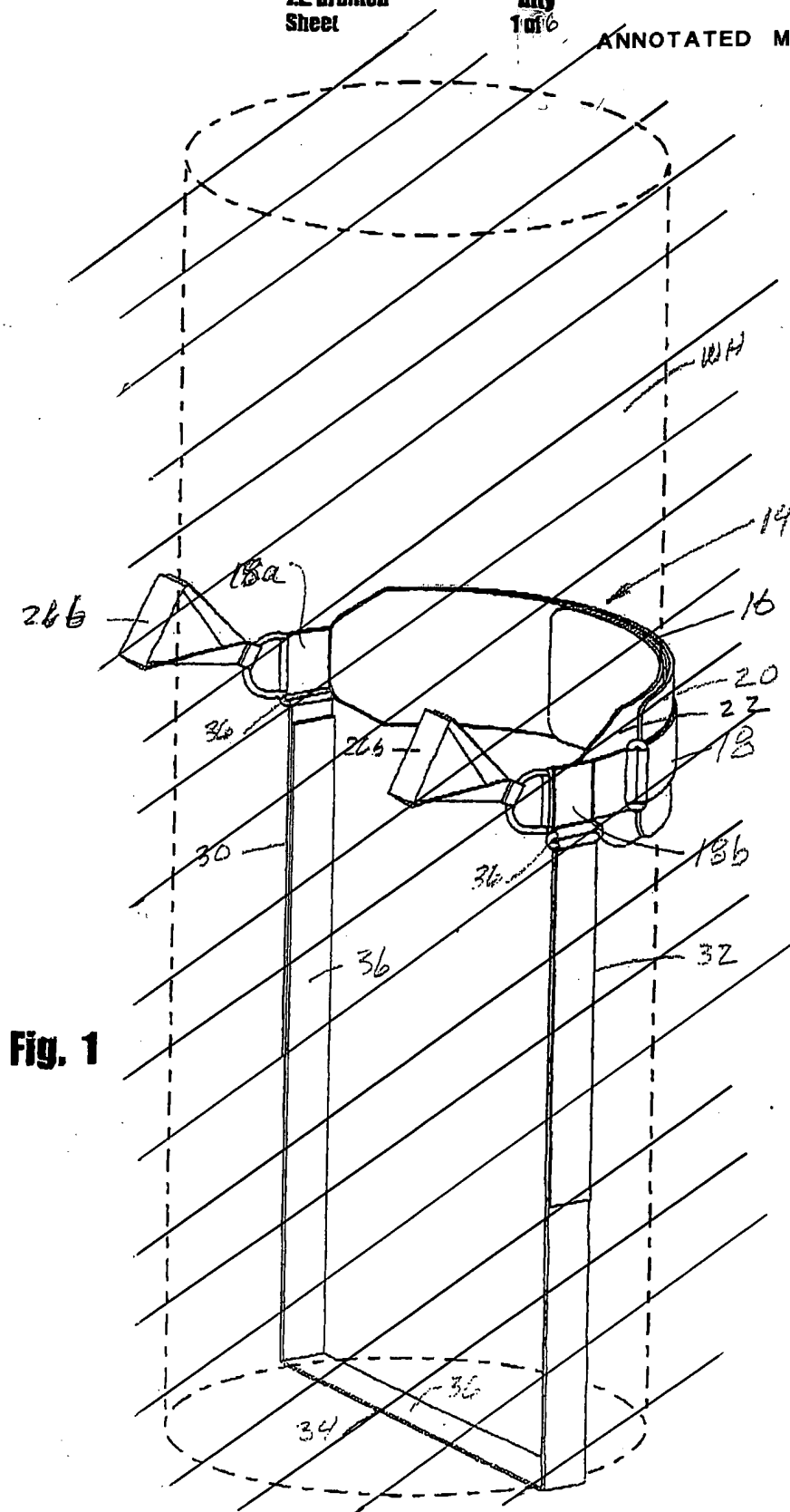


Fig. 1

Title: Appliance Lifting Belt
Dkt # 004-04
ISAACSON
J.E. Brunton
Sheet
Inv
Atty
2 of 6

ANNOTATED MARKED-UP DRAWINGS

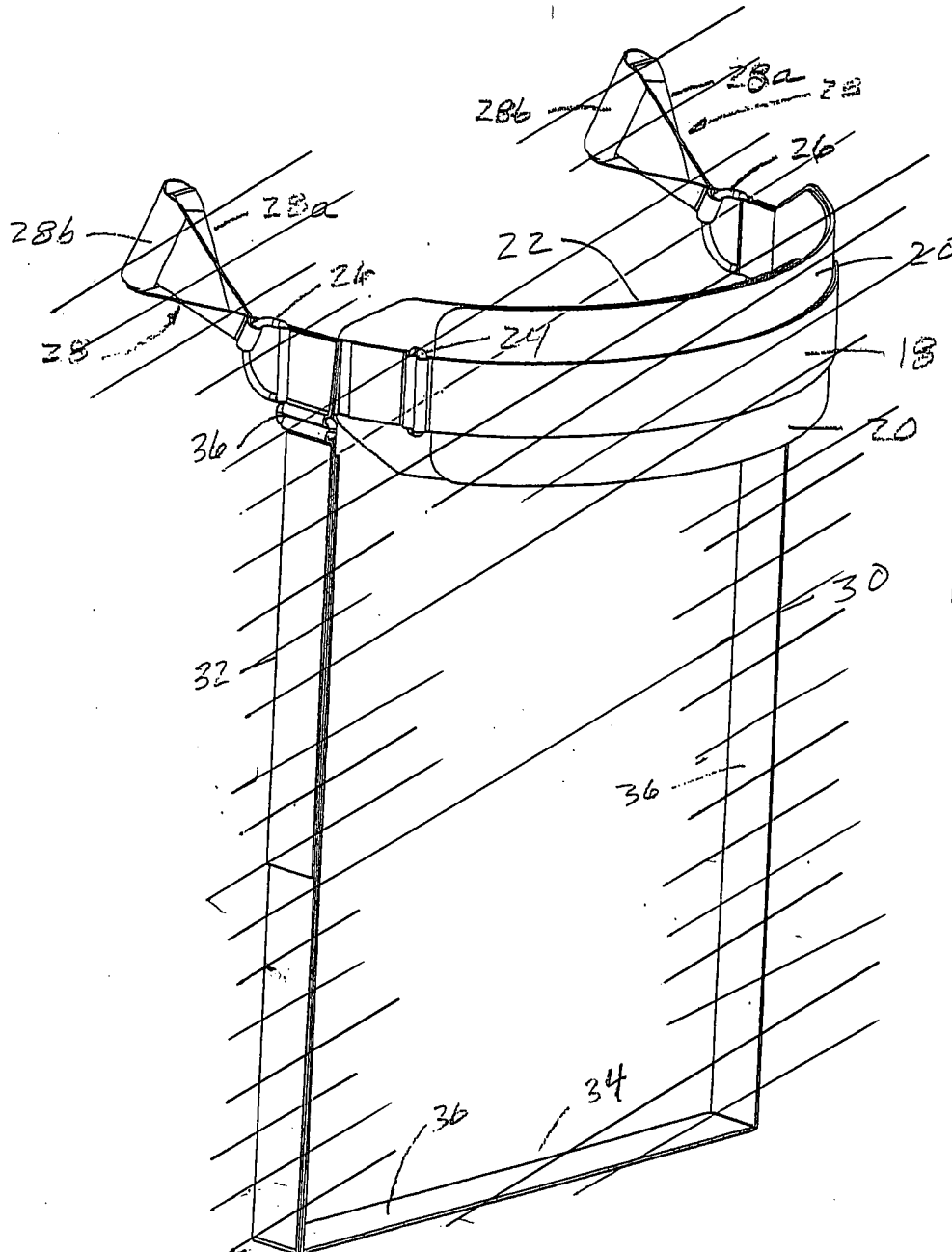


Fig. 2

3 of 6

2.



Fig. 3

Title: Appliance Lifting Belt
 Dkt # 004-04
 #5000303
 J.E. Brunton
 Sheet
 Inv
 Atty
 4 of 6

ANNOTATED MARKED-UP DRAWINGS

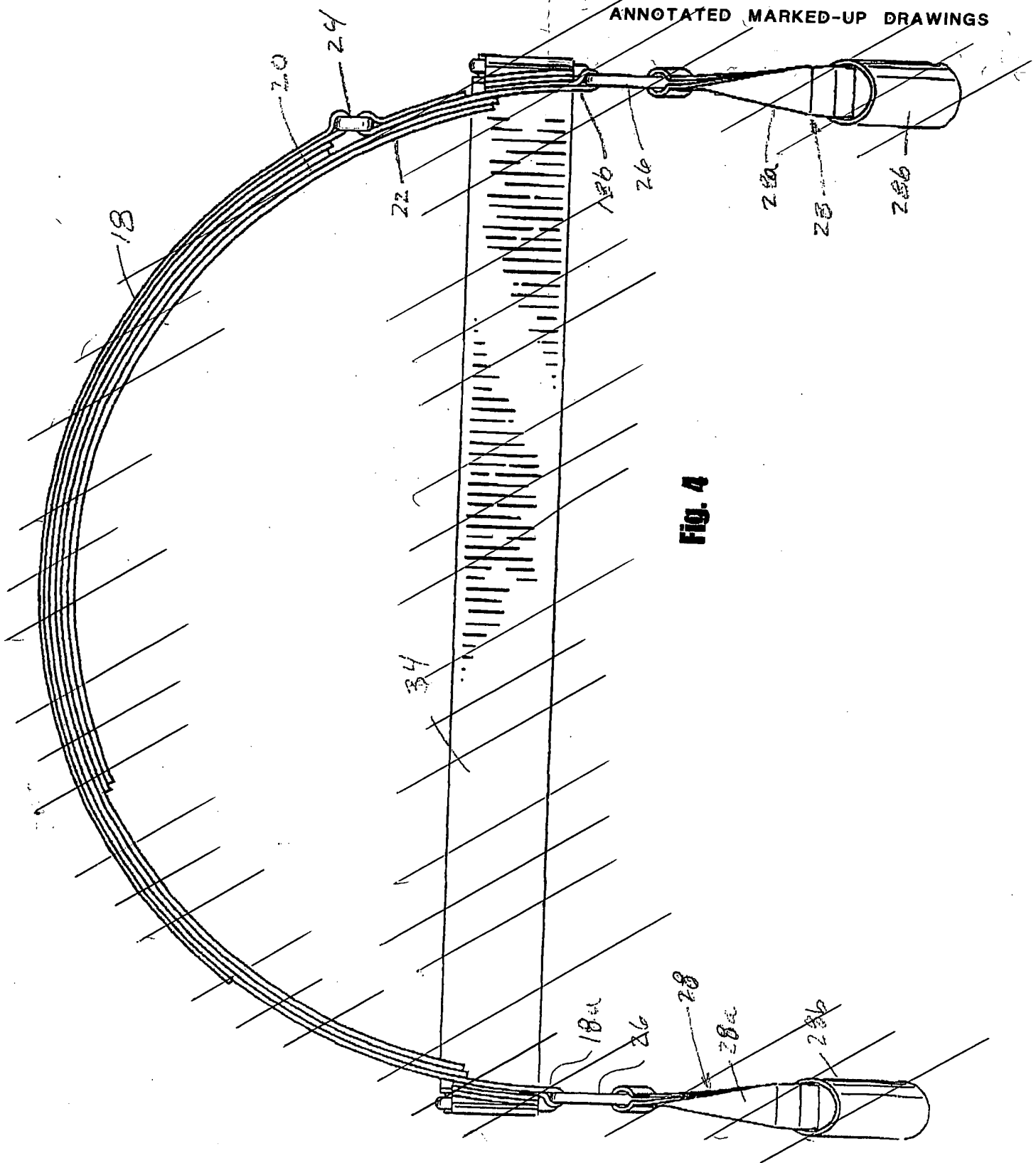


Fig. 4

Title: Appliance Lifting Belt
Dkt # 004-04
Inventor: J. E. Brunton
Attorney: LE Brunton
Sheet 5 of 6

ANNOTATED MARKED-UP DRAWINGS

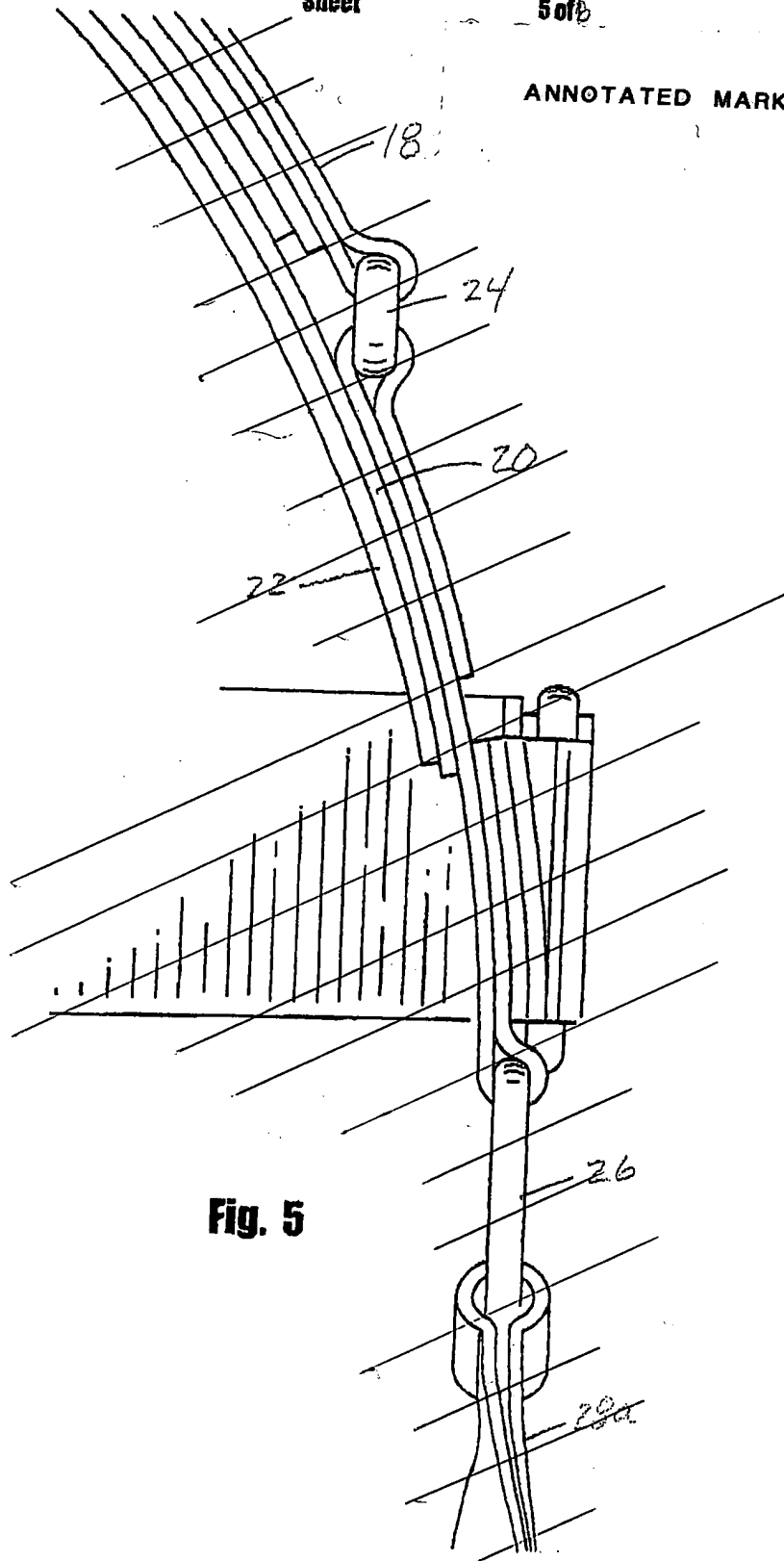


Fig. 5

Title: Appliance Lifting Belt
Dkt # 004-04
Isaacs Inv
J.E. Brunton Atty
Sheet 6 of 6

ANNOTATED MARKED-UP DRAWINGS

